



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

JRE

Docket No: 5816-99

28 March 2000

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 23 March 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you served on active duty in the Marine Corps from 20 July 1949 to 19 October 1951, when you were discharged because of a preexisting back condition. On 14 February 1952, the Veterans Administration (VA) denied your request for service connection for the back condition. The Board of Veterans Appeals upheld that decision on 4 June 1953. You did not make a claim for benefits for a mental disorder at that time, or for many years thereafter. You sought treatment from a VA medical facility on 1 July 1996 because of difficulty sleeping, anxiety, inability to concentrate and intrusive thoughts of wartime experiences. On 24 November 1997, the VA granted service connection for post traumatic stress disorder, and assigned a rating of 30% effective from 1 May 1996.

The Board did not accept your unsubstantiated contention to the effect that you suffered from post traumatic stress disorder while in the Marine Corps which rendered you unfit for duty on 19 October 1951. Accordingly, it was unable to recommend that your record be corrected to show that you were retired from the Marine Corps by reason of physical disability on that date. It did not consider your request for an increase of your VA disability

rating to 100%, as that is a matter solely within the purview of the VA.

In view of the foregoing, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director